

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEGERG, LISA STEIN, and
AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a
LESTER EBER, LLC; ESTATE OF
ELLIOTT W. GUMAER, JR.; and WENDY
EBER,

Defendants,

and

EBER BROS. & CO., INC.; EBER BROS.
WINE AND LIQUOR CORP.; EBER
BROS. WINE & LIQUOR METRO, INC.;
EBER-CONNECTICUT, LLC; EBER-
RHODE ISLAND, LLC; EBER BROS.
ACQUISITION CORP.; EBER-METRO,
LLC; SLOCUM & SONS OF MAINE, INC.;
and CANANDAIGUA NATIONAL BANK
& TRUST COMPANY,

Nominal Defendants.

Civil Action No. 16-CV-9517(LAK)(KHP)

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE, that upon the accompanying memorandum, statement of material facts, declarations, depositions, and exhibits, Plaintiffs Audrey Hays, Daniel Kleeberg, and Lisa Stein respectfully move this Court for an Order granting them Partial Summary Judgment as to Count I (in part), Count II (in part), Count V, Count VI (in part), and Count IX. The specific relief sought is specified more precisely in the Proposed Order that shall be contemporaneously submitted.

Respectfully submitted,

Dated: November 8, 2019

/s Brian C. Brook

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and Audrey Hays*